

EXHIBIT 6

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

OXFORD AVIATION, INC.,

Plaintiff

v.

CONSTELLATION BRANDS, INC.,

Defendant

Civil No. 08-419-P-H

REPORT OF CONFERENCE OF COUNSEL AND ORDER

Held before me by telephone on Monday, March 30, 2009, at 10 a.m.

Presiding: John H. Rich III, United States Magistrate Judge

Appearances: For Plaintiff: Gavin McCarthy, Esq.

For Defendant: Courtney Quinn Brooks, Esq.

A telephonic conference with counsel was held at my initiative to discuss the parties' joint motions to amend the scheduling order and to stay the case (Docket Nos. 17-18), which were referred to me on March 24, 2009. The parties seek a stay of this action to permit the United States District Court for the Western District of New York an opportunity to rule on the plaintiff's contested motion to transfer the venue of a parallel action filed by the defendant in that court to this

district and to consolidate both actions here.¹ I questioned why discovery should not simply move forward in this venue pending resolution of that matter.

Counsel for both sides explained that discovery is moving ahead in the Western District of New York and that, pending resolution of the question of venue -- which they agree should be decided by that court -- they wished to avoid a need for duplicative effort here. That need was particularly acute for the plaintiff's counsel, who had anticipated transferring representation to counsel chosen by his client's insurer but had learned that the insurer declined to become involved in the instant declaratory judgment matter, taking the position that it was obliged only to defend the action filed in New York.

The defendant's counsel represented that the New York court has ordered that a Rule 26(f) conference be held on April 15 and that initial disclosures be made on April 22. She anticipated that, following a scheduling conference to be held on April 29, the court will issue its scheduling order in that matter.

The plaintiff's counsel sought suspension of further briefing on his client's pending motion to amend its complaint (Docket No. 9), which he noted might be mooted by the venue decision, and the defendant's pending motion for judgment on the pleadings or, in the alternative, for a transfer of venue to the Western District of New York or for a stay (Docket No. 15), should the latter motion not be withdrawn in light of the parties' recent agreement that the New York court should decide the venue question.

Following discussion, I **RESERVED RULING** on the pending motions to amend the scheduling order and to stay the action and **ORDERED**, without objection, that:

¹ The defendant believes that the New York action should remain in New York and that the instant action should be
(continued on next page)

1. Any discovery conducted in the New York matter will be applicable in this matter.
2. The defendant's counsel will promptly notify this court when the New York court has issued a scheduling order and provide a copy of the same, whereupon I will hold a further telephonic conference with counsel to discuss scheduling in this matter.
3. The plaintiff's deadlines for filing a reply brief with respect to its pending motion to amend its complaint (Docket No. 9) and for filing an opposition to the defendant's pending motion for judgment on the pleadings or to transfer venue or for a stay (Docket No. 15) are STAYED and will be addressed at the follow-up telephone conference with counsel referenced above.
4. The establishment of further scheduling order deadlines in this matter is DEFERRED until the follow-up telephone conference with counsel referenced above.

SO ORDERED.

CERTIFICATE

- A. This report fairly reflects the actions taken at the conference and shall be filed forthwith.
- B. Any objections to the report shall be filed in accordance with Fed. R. Civ. P. 72.

Dated this 30th day of March, 2009.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge

either dismissed or transferred to New York and consolidated there.